



Maryland Department of Planning

 **FILE COPY**

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

March 21, 2007

Ms. Shelley McDonald
Town Manager
Town of Cecilton
P.O. Box 317
117 West Main Street
Cecilton, MD 21913

RE: Draft 2006 Cecilton Comprehensive Plan

Dear Ms. McDonald:

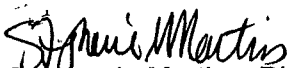
Thank you for providing the draft 2006 Cecilton Comprehensive Plan for 60 day State agency review. The Maryland Department of Planning has received comments from the following agencies: The Maryland Historical Trust; the Maryland Department of the Environment; the Maryland Department of Natural Resources; and the Maryland State Highway Administration. Those comments are attached in their entirety for your consideration; any other comments received will be forwarded to you.

Our planning staff has also reviewed the proposed update for consistency with the Planning Act of 1992, the Smart Growth Areas Act of 1997, and other State growth management principles and policies. Our review comments are also attached for your consideration. We realize that a public hearing has not yet been scheduled but believe you may appreciate some extra time to consider these comments.

Please contact Mr. Mark Gradecak at 410-819-4080 or me at 410-767-4559 if you have any questions about these comments or if we can be of any further assistance.

The Maryland Department of Planning looks forward to continued planning coordination with the Town of Cecilton.

Sincerely,


Stephanie Martins, Director
Land Use Planning and Analysis

cc: Mark Gradecak

Maryland Department of Planning Comments for the Town of Cecilton
Comprehensive Plan Final Draft:

Development Capacity Analysis

MDP has read the Town's draft plan and commends the Town on its incorporation of capacity analysis. While the analysis does identify specific parcels and the overall associated capacity, the Town should include the following elements into the capacity analysis section of the draft plan, to comply with all the requirements of the Development Capacity Analysis Local Government MOU (signed by the Maryland Municipal League and Maryland Association of counties in August, 2004) and the Development capacity Analysis Executive Order (signed by Governor Ehrlich in August, 2004).

The Town should include the following elements in the plan:

- A table identifying the Capacity of each zoning or land use type. This will assist the Town in making growth related policy decisions. Also included in this table should be the capacity of the future growth area, and the capacity associated with boarder parcels (Recommended). An example of this can be found in the Development Capacity Task Force Report, referenced below.
- The relationship between the development capacity numbers and population projections, water and sewer capacity and other infrastructure requirements.
- A detailed methodology of the Town's capacity analysis should also be included in the plan.

These agreements were commitments to implement the recommendations made by the Development Capacity Task Force, which are outlined in their July, 2004 report (the full report is available at: http://www.mdp.state.me.us/develop_cap.htm)

MDP has conducted development capacity analyses for several jurisdictions and is willing to assist the Town with developing a Development Capacity Analysis.

See the report mentioned above for a full description of the analysis' methodology and its caveats. MDP's analysis, while not perfect, was endorsed by the Development Capacity Task Force and many local governments. This analysis produces estimates of the number of dwelling units built by build-out based on existing zoning, land use, parcel data, sewer service, and information about un-buildable lands. This analysis does not account for school, road, or sewer capacity. The estimates are focused on the capacity of the land to accommodate future growth based on zoning and other information.

Additional Comments:

- The discussion on the actual number of acres in the planning area, on page 18 of the draft plan is confusing. The plan first states that there are 725 acres in the planning area, 79 of which are already in Town (split parcels), then the next sentence states that Department of Assessments and Taxation records indicated that there are 845 acres in the growth area including the surrounding outlying parcels. Are these split parcels on the outer edge of the growth boundary? A map showing what parcels are included in each calculation may be helpful or MDP can assist in calculating the actual number of acres inside the growth boundary and the Town. MDP may also be able to assist in refining the development capacity numbers so reporting of split parcels is not an issue.

Further the plan states that 674 acres of the growth area are in the Southern-agricultural-residential zone (SAR) and 174 are in the Town residential zone (TR). This adds to 748 acres, this does not match either previously reported total acreage figure for the planned growth area.

- The Town should verify that the preserved parcels located in the north-west portion of the town and overlap into the growth areas, shown in Map 4 of the plan, are not included in any calculation of development capacity. It is unclear from the Town's methodology as to whether these lands were excluded from the capacity analysis. These lands are protected by a variety of easements.
- Page 18 of the draft plan, states that it is the Town's intent that the land currently zoned TR (town residential) in the growth area will become R-1 when annexed into the Town and will potentially yield 522 dwelling units or a household population of 1,252, requiring an additional 130,500 gallons per day of wastewater treatment plant capacity. How do these demands for wastewater coincide with supply? Page 33 of the plan identifies existing water and sewer demand and future plans for infrastructure improvements, but there is no discussion as to whether there is enough supply for future demand. The specific capacity of each facility and its demand, existing and future should be identified.

House Bill 1141

During the 2006 legislative session House Bill 1141 was passed requiring Counties and Towns address several new elements within their Comprehensive Plans. Under the provisions of this law all new elements will need to be included into comprehensive plans by October 1, 2009, MDP and MDE held regional workshops on HB 1141 and are also working on guidance documents for the Municipal Growth Element and the Water Resources Element, which will be available in the next couple of months.

Below we have provided a general list of some of the key elements that must be included by the Town to meet the requirements of HB1141 for a **Municipal Growth Element**:

- A discussion should be included on the projected rate of growth, actual timeline for expected growth, and the land to be consumed by that growth.
- An outline of the areas for possible annexation and the type of development and density expected for these areas, a timeframe for future annexations should be included.
- A discussion on how the build-out analysis corresponds to projected growth, in addition to a timeline for what lands will be developed and when they will be developed to meet future demand should be included.
- A detailed plan for how the Town plans on financing future facility needs is necessary. If it is the Town's intent that developer(s) absorb infrastructure expenses associated with major development, what portion of the costs should developer(s) absorb? Should the developer(s) donate land for a school site, pay for the update of a treatment plant, or increase capacity for public water? Under what conditions should the developers provide such assistance?
- Recommended timeline for facilities needed to implement the Plan including lands within the growth area.
- While the Town's draft Plan does provide information on the current status of the water and sewer facilities, the impact of future growth on these facilities is not discussed in any detail.
- What, if any, sensitive areas will be impacted by future development? How does the Town plan on minimizing or mediating these impacts?

The Water Resources Element is another requirement of House Bill 1141. In order to fully comply with this requirement, the following items need to be addressed:

- Identify drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the Land Use Element of the Plan, considering available data provided by the Maryland Department of the Environment (MDE);
- Identify suitable receiving waters and land areas to meet storm water management and wastewater treatment and disposal needs of existing and future development proposed in the Land Use Element of the Plan; and

- MDE is required to review the water resources plan element to determine whether the proposed plan is consistent with the programs and goals of the Department reflected in the general water resources program required under Section 5-203 of the Environment Article. Resource issues to be addressed in this element include water resource protection areas, groundwater resources, water quality standards, and Total Maximum Daily Loads (TMDLs).

Incorporating the required HB1141 elements into the plan may bring some uncertainty as to where particular materials and analyses should be placed within the Plan. The following chart is a guide for identifying where particular elements would best be located. Please keep in mind that this is only a guide, and that the most important thing is that all of these elements are addressed somewhere in the plan.

ITEM	Muni Growth	Land Use	Com. Fac.
LAND USE/ DEVELOPMENT			
Present land use map		X	
Future land use map		X	
Future growth areas map	X		
Annexation limits map	X		
Urban/rural areas map			
Neighborhood/Planning Sector map		X	
Acreage inventory by land use/zoning	X		
Development Capacity Analysis	X		
Annexation policies/guidelines	X		
Existing/proposed development in neighborhood/planning areas	X		
Future land use acreage inventory by land use/zoning		X	
Acreage demand for future development		X	
Number and types of units projected	X		
General recommendations/guidelines for residential, commercial and industrial land use and development	X		
Design guidelines/Growth patterns		X	
Definitions/description of individual land use categories and densities		X	
Historic growth patterns		X	
	X		
COMMUNITY FACILITIES			
Existing community facilities inventory			
Total facilities needed at build-out			X
Present shortages/problem areas			X
Projected additional facilities	X		X

needs/locations			
Recommended timeline for facilities needed to implement plan	X		
Growth/development's impact on facilities beyond municipal boundaries	X		X
Growth/development's impacts on facilities within municipal boundaries	X		
GOALS, OBJECTIVES, POLICIES		X	X

Sensitive Areas Element Comments

- House Bill 1141 also established a requirement that two additional topics be addressed under the existing Sensitive Areas Element: Agricultural and forestlands intended for resource protection and conservation. It is anticipated that some type of map will identify where those resources exist and what specific policies the Town will implement to ensure their protection and conservation. A portion of the Land Use Element should also address these issues as they may relate to possible greenbelts or urban growth boundaries. Policies for protecting and conserving specific lands also have a bearing on areas that are suitable for annexation. Lands suitable for development should be delineated from lands the are to be preserved. These issues as well as the concepts to be addressed by the Municipal Growth Element will have a direct bearing on future annexation plans and the analyses that determine their consistency with the Plan (as described in Article 23A). That consistency analysis will also become a part of the annexation process after October 1, 2009 (or an extension that may be granted for cause).

Housing Element Comments

- House Bill 1160 established a Workforce Housing Grant Program. To be eligible for monies from this grant the City is required to include a Work Force Housing Element in the Comprehensive Plan. A Workforce Housing Element of the Comprehensive Plan should include:
 - Preservation or renovation of existing housing stock;
 - Redevelopment of existing residential areas;
 - Streamlined regulatory process;
 - Reduced regulatory fees for construction or renovation and leveraging of Federal financial assistance;
 - Financial incentives for construction and renovation;
 - Special zoning regulations including inclusionary zoning;
 - Efforts to preserve workforce housing stock for subsequent program participants; and,
 Coordination with neighboring jurisdictions and private sector employers.